

2023 Regular Session

HOUSE BILL NO. 661 (Substitute for House Bill No. 300 by Representative Muscarello)

BY REPRESENTATIVE MUSCARELLO

1 AN ACT

2 To amend and reenact R.S. 13:61 and to enact R.S. 13:37, relative to the judiciary; to  
3 provide relative to the Judicial Council of the Supreme Court of Louisiana; to  
4 provide for the duties of the council; to provide relative to the review of courts and  
5 offices within the judicial branch of state government; to provide relative to data  
6 utilized by the council; to provide relative to the Judiciary Commission; to provide  
7 for requirements of the commission; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:61 is hereby amended and reenacted and R.S. 13:37 is hereby  
10 enacted to read as follows:

11 §37. Publication of membership and meetings; requirements

12 Beginning August 1, 2023, the Judiciary Commission shall publish its  
13 membership on its public website.

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15 §61. Judicial Council

16 A.(1) The Judicial Council of the Supreme Court of Louisiana shall adopt  
17 determinate standards and guidelines which shall be applied by the council in  
18 determining whether to ~~approve~~ recommend to the legislature the necessity of  
19 creating or eliminating any ~~new~~ judgeship of the supreme court, courts of appeal,  
20 district courts, city courts, parish courts, juvenile courts, family courts, traffic courts,  
21 and municipal courts, including the creation or elimination of any ~~new~~ office of

1 commissioner, magistrate, hearing officer, or any other judicial office by whatever  
2 other name designated.

3 (2) The Judicial Council shall adopt determinate standards and guidelines  
4 which shall be applied by the council in determining whether to ~~approve~~ recommend  
5 to the legislature the necessity of splitting or merging any courts of appeal, district  
6 courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and  
7 municipal courts.

8 B.(1) Before a bill is acted upon by the legislature to create or eliminate a  
9 ~~new~~ judgeship or office designated in Paragraph (A)(1) of this Section, a designee  
10 of the Judicial Council shall provide information to the appropriate standing  
11 committees of the House of Representatives or of the Senate as to ~~approval~~ the  
12 recommendation of the council as to the necessity of creating or eliminating the ~~new~~  
13 judgeship or office of commissioner, magistrate, or hearing officer.

14 (2) Before a bill is acted upon by the legislature to split or merge courts  
15 designated in Paragraph (A)(2) of this Section, a designee of the Judicial Council  
16 shall provide information to the appropriate standing committees of the House of  
17 Representatives or of the Senate as to ~~approval~~ the recommendation of the council  
18 as to the necessity of splitting or merging the courts.

19 C. The legislature shall not be required to ~~act upon or~~ enact legislation or  
20 otherwise act upon any recommendation of the council. ~~creating a new judgeship or~~  
21 ~~office of commissioner, magistrate, or hearing officer even though the council has~~  
22 ~~authorized the creation of the new office.~~

23 D. The provisions of this Section shall not apply to justice of the peace  
24 courts, mayors' courts, ~~or~~ administrative law judges employed by the ~~Division of~~  
25 ~~Administrative Law~~ division of administrative law, or clerks of court.

26 E. The Judicial Council shall have the authority to conduct an annual review  
27 of judicial districts and appellate circuits and shall provide information and  
28 recommendations to the legislature on the appropriate number of district and  
29 appellate court judgeships within each district or circuit based upon caseload,  
30 population, or other pertinent factors, including the findings and recommendations

1 of the Judicial Structure Task Force established by House Resolution No. 30 of the  
2 2022 Regular Session of the Legislature. The recommendations may include  
3 proposed revisions to specific constitutional or statutory language addressing the  
4 number of such judges in each district or circuit, the need for district or circuit  
5 merger or other actions, and the filling of judicial office vacancies in such district or  
6 circuit.

7 F. In order to assist the council in accomplishing the reviews and evaluations  
8 provided for in this Section, the supreme court, in consultation with the clerks of  
9 court, shall adopt procedural and administrative rules to establish uniform data  
10 reporting standards for all case filings and adjudications including requirements for  
11 electronic filing and reporting. The clerks of all Louisiana courts shall report all  
12 requested data to the council in the manner and form directed by the council.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_